

IN RE: PETITIONS FOR SPECIAL HEARING  
AND VARIANCE - E/S York Road,  
733.44' NW of Roundridge Road  
(2301 York Road)  
8th Election District  
3rd Councilmanic District  
  
Parkway Machine Corporation  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-377-SPHA  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 2301 York Road, located in the vicinity of Timonium, just south of Padonia Road and west of the Jones Falls Expressway (I-83). The Petitions were filed by the owners of the property, the Parkway Machine Corporation, by Edward B. Kovens, President, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special hearing to approve an amendment to the previously approved site plans in prior Case Nos. 3903 and 92-712-SPH, and variance relief from Section 243.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a floor area ratio of 31% in lieu of the maximum permitted 25% for a proposed addition to the existing building. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Edward B. Kovens, President of Parkway Machine Corporation, property owner, Mel Tapper, with Tapper Construction Company, Inc., and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants or other interested parties present.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of 6.170 acres, more or less, zoned M.R. and is improved with a concrete block building which houses the business known as Parkway Machine Company. This property was the subject of prior Case No. 92-312-SPH in which an amendment to the previously approved site plan in Case No. 3903 was approved on April 9, 1992. In that case, the Petitioners proposed to construct a one-story addition to the rear of the existing building in order to expand the business, which manufactures gumball machines for distribution all over the world. The Petitioners now come before me seeking an amendment to the plan approved in Case No. 92-312-SPH and variance relief for a second addition to the existing building. Testimony indicated the proposed addition is needed to provide more warehouse space for this growing company. Due to the unique shape of the lot and the location of existing improvements thereon, the requested variance is necessary.

It was noted that the Developers Engineering Section of the Office of Permits and Development Management submitted comments dated May 8, 1995 in which they stated that the Petitioners have not completed the required landscaping imposed upon them in the Order issued April 9, 1992 in prior Case No. 92-312-SPH. Testimony at the hearing revealed that the required landscaping was in the area where the proposed addition is to be placed. Therefore, the Petitioners decided not to install this landscaping since it would have to be removed for construction of the proposed addition. In any event, the Petitioners will be required to submit a new landscape plan for review and approval by the Landscape Architect for Baltimore County prior to the issuance of any occupancy permits. Furthermore, all required landscaping shall be completed within one year of the date of this Order.

ORDER RECEIVED FOR FILING

Date

By

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested in the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.


THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19<sup>th</sup> day of June, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case Nos. 3903 and 92-712-SPH, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 243.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a floor area ratio of 31% in lieu of the maximum permitted 25% for a proposed addition to the existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Furthermore, all required landscaping shall be completed within one year of the date of this Order.

3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 6/19/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

June 19, 1995

John B. Gontrum, Esquire  
Romadka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
E/S York Road, 733.44' NW of Roundridge Road  
(2301 York Road)  
8th Election District - 3rd Councilmanic District  
Parkway Machine Corporation - Petitioners  
Case No. 95-377-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a light-colored background.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Ed Kovens  
2301 York Road, Timonium, Md. 21093

Mr. Mel Tapper  
8 Irving Place, Baltimore, Md. 21208

People's Counsel

✓ File

W/COPIES TO FILE

368



# Petition for Special Hearing

95-377-SPHA

## to the Zoning Commissioner of Baltimore County

for the property located at

2301 YORK ROAD

which is presently zoned

MR

This Petition shall be filed with the Office of Zoning Administration &amp; Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendment to previously  
approved Plans in Cases NOS. 3903, 92-312 SPH.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner.

Address

Phone No

(Type or Print Name)

City

State

Zipcode

Signature

Name

Address

Address

Phone No

City

State

Zipcode

Name

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

4/20/95

ORDER RECEIVED FOR FILING

Date

By

368



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

95-377-5 PHA

for the property located at 2301 YORK ROAD  
which is presently zoned MIR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 243.5 Eo Permit.

Floor area ratio of 31 to in lieu of 25 to for single story building.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Topography of lot and proximity of residential neighborhood make additional stories impractical and undesirable creating practical difficulty with strict compliance with regulations

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

PARKWAY MACHINE CORP  
(Type or Print Name)

Signature

[Signature]  
Signature

Address

EDWARD B. KOVENS, PRES  
(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner

EDWARD B. GONTROM  
(Type or Print Name)

2301 YORK ROAD 252-1020  
Address Phone No

[Signature]  
Signature

TIMONIUM, MD 21093  
City State Zipcode

214 BOSTON BLVD 686-8274  
Address Phone No

BALTI, MD 21221  
State Zipcode

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR  
Unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL ☒ OTHER

REVIEWED BY: [Signature] DATE 4/20/95

Printed with Soybean Ink on Recycled Paper



ORDER RECEIVED FOR FILING

6/19/95

368

PROPERTY DESCRIPTION

2301 YORK ROAD

95-377-SRHA

All that parcel or parcels of land located in the County of Baltimore, State of Maryland, and being known and designated as Lot Nos. 4 & 5, as shown on a Plat entitled "Stratford Industrial Site", which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, folio 36, and more particularly described as follows:

Beginning at a point 79 feet East of the centerline of York Road, 66 feet wide, at a distance of 733.44 feet Northwesterly from the centerline of Roundridge Road and running thence N 18 30' 21" 80.21 feet to a point; thence running Northwesterly along a curve having a radius of 465 feet for a distance of 250.78 feet; thence running Northwesterly along a curve having a radius of 82.00 feet for a distance of 41.84 feet; thence running N 72 57' 30" E 630.79 feet to a point; thence running S 02 02' 46" W 550 feet to a point; thence running due West 547.61 feet to the place of beginning; containing 6.170 acres. The improvements thereon being known as 2301 York Road, in the 8th Election District.

Together with the right to the use in common with others entitled thereto of the service road leading to and from York Road and designated as "Widening for Service Road" on a Plat entitled "Stratford Industrial Site" which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, Folio 36, all as set forth in a Deed dated December 15, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3935, Folio 583, between The Star Construction Company, et al, and Fawn Plastics Company, Inc.



MICROFILMED



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

93-377-SPH 17

District 8th Date of Posting 5/16/95  
Posted for: Special Hearing & Variance  
Petitioner: Parkway Machine Co.  
Location of property: 2301 York Rd,  
  
Location of Signs: Facing road way, on property being moved  
  
Remarks: \_\_\_\_\_  
Posted by M. Steady Date of return: 5/12/95  
Signature  
Number of Signs: 1

MICROFILMED



## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-377-SPHA  
(Item 368)  
2301 York Road  
79' from c/l York Road on  
E/S York Road, 733.44'  
NW of Roundridge Road  
Parkway Machine  
8th Election District  
3rd Councilmanic  
Legal Owner:  
Parkway Machine Corporation  
Hearing: Thursday,  
June 1, 1995 at 2:00 p.m.  
in Rm. 118, Old  
Courthouse.

**Special Hearing** to approve an amendment to previously approved plans in cases nos. 3903 and 92-312-SPH. **Variance** to permit floor area ratio of 31% in lieu of 25% for single story building.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.  
5/087 Mar 4

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/5, 19 95

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/4, 19 95.

THE JEFFERSONIAN,

*A. Henrichs*  
LEGAL AD. - TOWSON

Publication



Baltimore City  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt

95-377-SPHA

Account: R-001-6150

Number 368

Date

4/20/95

1 NON RES VAR 020 250.00

1 NON RES SPH 040 250.00

2 SIGNS

70.00

\$ 570.00

PAID BY BALTIMORE COUNTY

02/02/95

1570.00

PAID BY BALTIMORE COUNTY

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 368

Petitioner: PARKWAY MACHINE CORP.

Location: 2301 YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Ronald Roy GONTA and McLaughlin

ADDRESS: 814 Eastern Blvd.

BALT., MD. 21221

PHONE NUMBER: 686-8274

AJ:ggs

(Revised 04/09/93)



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 28, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-377-SPHA (Item 368)

2301 York Road

79' from c/l York Road on E/S York Road, 733.44' NW of Roundridge Road

Parkway Machine

8th Election District - 3rd Councilmanic

Legal Owner: Parkway Machine Corporation

HEARING: THURSDAY, JUNE 1, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to previously approved plans in cases nos. 3903 and 92-312-SPH.  
Variance to permit floor area ratio of 31% in lieu of 25% for single story building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Parkway Machine Corporation  
John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 24, 1995

John B. Gontrum, Esquire  
814 Eastern Blvd.  
Baltimore, Maryland 21221

RE: Item No.: 368  
Case No.: 95-377-SPHA  
Petitioner: Parkway Machine Corp.

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: May 9, 1995

SUBJECT: 2301 York Road

INFORMATION:

Item Number: 368

Petitioner: Parkway Machine Corporation

Property Size: \_\_\_\_\_

Zoning: MR

Requested Action: Special Hearing

Hearing Date:     /    /    

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special hearing to amend previously approved plans in Case Nos. 3903 and 92-312SPH.

Staff does not oppose the applicant's request provided that all previously imposed conditions are attached to any Order granting the subject request.

Prepared by: Jeffrey W. Long

Division Chief: Gary Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: May 8, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 8, 1995  
Item No. 368

The Developers Engineering Section has reviewed the subject zoning item. The approved final landscape plan for the 1992 addition has not been complied with. The variance should be withheld until this is addressed.

RWB:sw



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/16/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 5/1/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 362  
363  
368  
370  
371  
372  
373  
374  
375<sub>4</sub>

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED



**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
Secretary

Hal Kassoff  
Administrator

5-3-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 368 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for* Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/05/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: PARKWAY MACHINE CORPORATION

LOCATION: 79' FROM CENTERLINE YORK RD. ON E/S YORK RD. 733.44' N/W  
OF ROUNDIDGE (2301 YORK RD. PARKWAY MACHINE.)

Item No.: 368

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

**RECEIVED**  
MAY 8 1995  
**ZADM**

REVIEWER: LT. ROBERT P. CAUERWOLD  
Fire Marshal Office, PHONE 887-4801, MS 1102F

cc: File

RECORDED



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
2301 York Road, 79' from c/l York Road	*	ZONING COMMISSIONER
on E/S York Road, 733.44' NW of Roundridge		
Road (Parkway Machine), 8th Election	*	OF BALTIMORE COUNTY
District, 3rd Councilmanic		
	*	CASE NO. 95-377-SPHA
Parkway Machine Corporation		
Petitioners		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

LAW FIRM  
*Romadka, Gorman & McLaughlin, P.A.*  
814 EASTERN BOULEVARD  
ESSEX, MARYLAND 21221  
TELEPHONE: (410) 686-8274  
FAX # 686-0118

ROBERT J. ROMADKA  
JOHN B. GONTRUM  
J. MICHAEL McLAUGHLIN, JR.\*

ELIZABETH A. VANNI  
\*Also admitted in District of Columbia

April 25, 1995

Arnold Jablon, Director  
Zoning Administration and  
Development Management Office  
County Office Building  
111 W. Chesapeake Ave.  
Towson, MD 21204

Re: Parkway Machine Corp.  
York Road (2301)  
RGM File No.: 94.3004  
District: 8c3

5/1/95  
TO WCR  
please respond

RECEIVED  
MAY 1 1995

ZADM

Speed  
Letter

In the interest of speed and  
economy, we are replying to your  
letter with marginal notes.  
If you need more information,  
do not hesitate to call or write.  
Thank you for your interest.



Dear Mr. Jablon:

Approximately four years ago, Parkway Machine was before the Zoning Commissioner of Baltimore County on a petition to modify and improve development plan in an M.R. zone. At that time we were trying to determine whether pursuant to §240.3 of the Baltimore County Zoning Regulations referral to the Planning Board was necessary. A preliminary determination had been made by the planning office that referral to the Planning Board was important. Upon review of §240.3, however, it became apparent that what we were actually seeking was an amendment to an existing development plan, which had been filed and approved in a previous zoning case number 3903. Consequently, referral to the Planning Board was not deemed necessary. The case went on for special hearing at which time it was approved.

The business of Parkway Machine Corporation has fortunately been very successful over the last few years and has expanded rapidly to the point where they have now filed a new special hearing petition for an amendment to the approved site plan, which would add an additional 20,789 square feet to the existing building area of 61,256 square feet. A variance is being sought also from the lot coverage provisions of the M.R. zone. This variance is being sought because of the neighborhoods concern that the building not go up in height and because of the demography of the property. As a result because it is a single story the F.A.R. on the site is .25, and our proposed F.A.R. is .31.

As this is an amendment to a previous existing development plan as opposed to a new development plan for a use in an M.R. zone and since the use of the M.R. zone is not changing from that which has been previously approved, we did not believe that a referral to the Planning Board was necessary with respect to this matter.

Please let me know whether or not you believe this matter should be referred to the Planning Board based on the previous review and on the request at this time.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Ed Kovens  
Mel Tapper, Tapper Construction

May 2, 1995

Dear John,

I would agree, provided that the Director of the Office of Planning and Zoning would concur.

WCR

W. Carl Richards, Jr.  
Zoning Supervisor

WCR:scj

c: #92-312-SPH  
#91-189-SPH

10-12-95 Per Arnold Jablon, this project (addn) does not have to go to Plan. Board  
J. Jablon

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MEL TAPPER  
ED KOVENS  
John Gortman

8 IRVING PLACE  
2301 YORK RD. - Timonium, MD



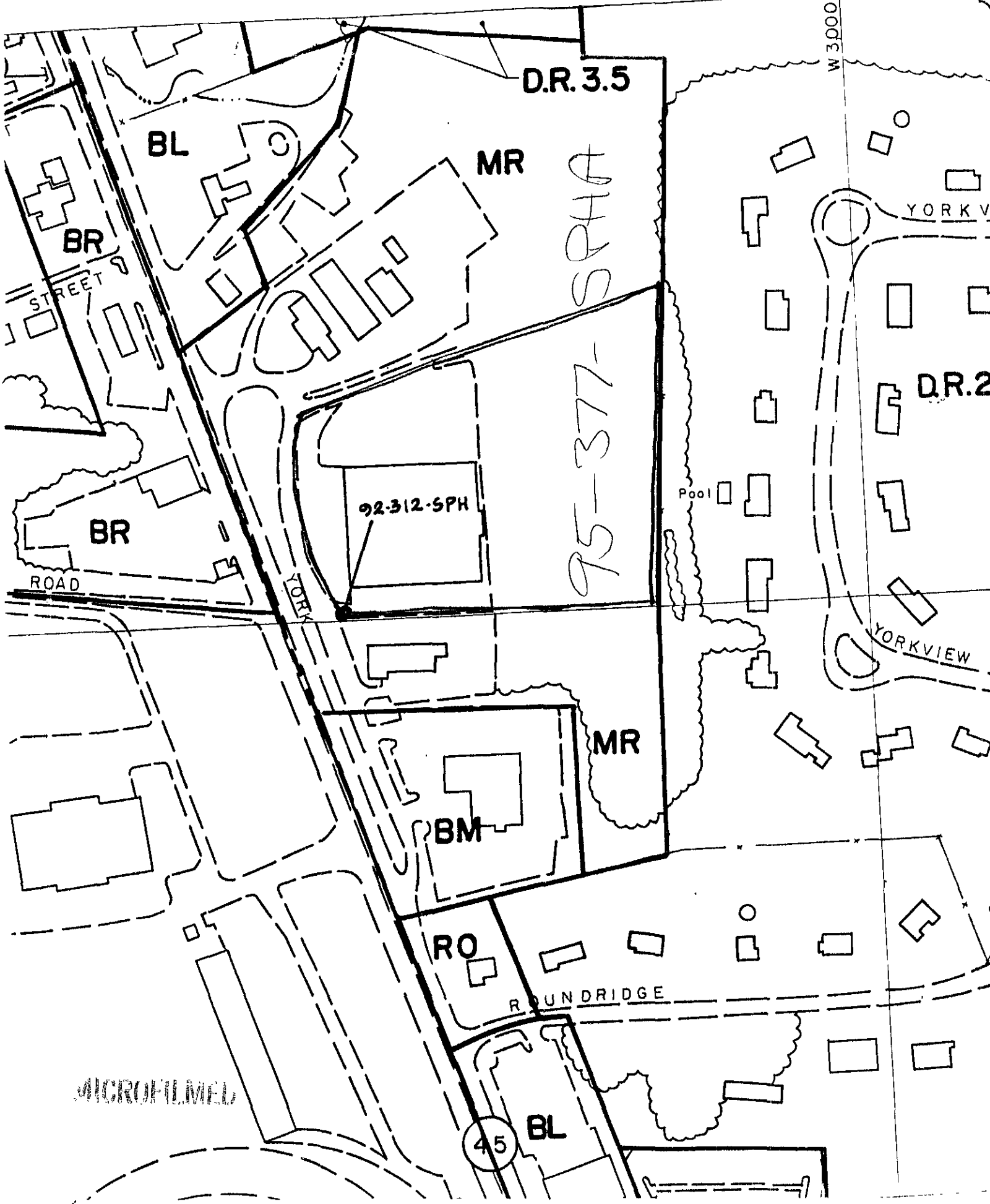
Printed with Soybean Ink  
on Recycled Paper

8/11/05 10:00 AM

368

2301 YORK ROAD

(SHEET N. W. 15-A)









IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE - E/S York Road, 733.44' NW of Roundridge Road (2301 York Road) 8th Election District 3rd Councilmanic District Parkway Machine Corporation Petitioners

\* BEFORE THE \* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* Case No. 95-377-SPHA \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 2301 York Road, located in the vicinity of Timonium, just south of Padonia Road and west of the Jones Falls Expressway (I-83). The Petitions were filed by the owners of the property, the Parkway Machine Corporation, by Edward B. Kovens, President, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special hearing to approve an amendment to the previously approved site plans in prior Case Nos. 3903 and 92-712-SPH, and variance relief from Section 243.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a floor area ratio of 31% in lieu of the maximum permitted 25% for a proposed addition to the existing building. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Edward B. Kovens, President of Parkway Machine Corporation, property owner, Mel Tapper, with Tapper Construction Company, Inc., and John B. Gontrum, Esquire, attorney for the Petitioners. There were no Protestants or other interested parties present.

Testimony and evidence offered revealed that the subject property consists of 6.170 acres, more or less, zoned M.R. and is improved with a concrete block building which houses the business known as Parkway Machine Company. This property was the subject of prior Case No. 92-312-SPH in which an amendment to the previously approved site plan in Case No. 3903 was approved on April 9, 1992. In that case, the Petitioners proposed to construct a one-story addition to the rear of the existing building in order to expand the business, which manufactures gumball machines for distribution all over the world. The Petitioners now come before me seeking an amendment to the plan approved in Case No. 92-312-SPH and variance relief for a second addition to the existing building. Testimony indicated the proposed addition is needed to provide more warehouse space for this growing company. Due to the unique shape of the lot and the location of existing improvements thereon, the requested variance is necessary.

It was noted that the Developers Engineering Section of the Office of Permits and Development Management submitted comments dated May 8, 1995 in which they stated that the Petitioners have not completed the required landscaping imposed upon them in the Order issued April 9, 1992 in prior Case No. 92-312-SPH. Testimony at the hearing revealed that the required landscaping was in the area where the proposed addition is to be placed. Therefore, the Petitioners decided not to install this landscaping since it would have to be removed for construction of the proposed addition. In any event, the Petitioners will be required to submit a new landscape plan for review and approval by the Landscape Architect for Baltimore County prior to the issuance of any occupancy permits. Furthermore, all required landscaping shall be completed within one year of the date of this Order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the relief requested in the special hearing and variance are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of June, 1995 that the Petition for Special Hearing seeking approval of an amendment to the previously approved site plan in prior Case Nos. 3903 and 92-712-SPH, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 243.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a floor area ratio of 31% in lieu of the maximum permitted 25% for a proposed addition to the existing building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any occupancy permits, the Petitioners shall submit a landscape plan for review and approval by the Baltimore County Landscape Architect. Furthermore, all required landscaping shall be completed within one year of the date of this Order.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 19, 1995

(410) 887-4386

John B. Gontrum, Esquire  
Rosenka, Gontrum & McLaughlin  
814 Eastern Boulevard  
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
E/S York Road, 733.44' NW of Roundridge Road  
(2301 York Road)  
8th Election District - 3rd Councilmanic District  
Parkway Machine Corporation - Petitioners  
Case No. 95-377-SPHA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,  
Timothy M. Kotroco  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Ed Kovens  
2301 York Road, Timonium, Md. 21093  
Mr. Mel Tapper  
8 Irving Place, Baltimore, Md. 21208

People's Counsel

file

**Petition for Special Hearing**  
to the Zoning Commissioner of Baltimore County  
for the property located at 2301 YORK ROAD  
which is presently zoned M.R.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve amendment to previously approved plans in cases nos. 7507, 92-712-SPH.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
Type or Print Name  
Signature  
Address  
City State Zipcode

Legal Owner(s)  
Type or Print Name  
Signature  
Address  
City State Zipcode

Attorney for Petitioner  
Type or Print Name  
Signature  
Address  
City State Zipcode

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
Next Two Months

ALL INFORMATION  
REVIEWED BY Ed B. DATE 4/20/95

ORDER RECEIVED FOR FILING  
Date 4/20/95  
By Ed B.

**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 2301 YORK ROAD  
which is presently zoned M.R.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 243.5 of the B.C.Z.R. for the purpose of allowing a floor area ratio of 31% in lieu of 25% for the same structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) to increase the lot and proximity of residential neighborhood make additional stories impractical and undesirable creating practical difficulty with strict compliance with regulations

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee  
Type or Print Name  
Signature  
Address  
City State Zipcode

Legal Owner(s)  
Type or Print Name  
Signature  
Address  
City State Zipcode

Attorney for Petitioner  
Type or Print Name  
Signature  
Address  
City State Zipcode

ESTIMATED LENGTH OF HEARING  
unavailable for hearing  
Next Two Months

ALL INFORMATION  
REVIEWED BY Ed B. DATE 4/20/95

ORDER RECEIVED FOR FILING  
Date 4/20/95  
By Ed B.

PROPERTY DESCRIPTION  
2301 YORK ROAD

All that parcel or parcels of land located in the County of Baltimore, State of Maryland, and being known and designated as Lot Nos. 4 & 5, as shown on a Plat entitled "Stratford Industrial Site", which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, folio 36, and more particularly described as follows:

Beginning at a point 79 feet East of the centerline of York Road, 66 feet wide, at a distance of 733.44 feet Northwesterly from the centerline of Roundridge Road and running thence N 18 30' 21" 80.21 feet to a point; thence running Northwesterly along a curve having a radius of 465 feet for a distance of 250.78 feet; thence running Northwesterly along a curve having a radius of 82.00 feet for a distance of 41.84 feet; thence running N 72 57' 30" E 630.79 feet to a point; thence running S 02 02' 46" W 550 feet to a point; thence running due West 547.61 feet to the place of beginning; containing 6.170 acres. The improvements thereon being known as 2301 York Road, in the 8th Election District.

Together with the right to the use in common with others entitled thereto of the service road leading to and from York Road and designated as "Widening for Service Road" on a Plat entitled "Stratford Industrial Site" which Plat is recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 24, Folio 36, all as set forth in a Deed dated December 15, 1961 and recorded among the Land Records of Baltimore County in Liber W.J.R. No. 3935, Folio 583, between The Star Construction Company, et al, and Fawn Plastics Company, Inc.



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

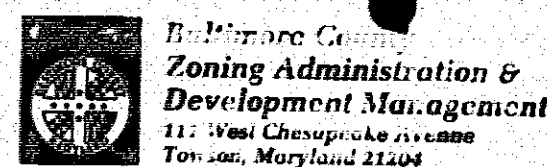
District: 7th Date of Posting: 5/14/95  
Posted for: Special Hearing & Variance  
Petitioner: Parkway Machine Corp.  
Location of property: 2301 York Rd.  
Location of Sign: Facing 2301 York Rd. Property being taxed  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 5/14/95  
Number of Signs: 1

**NOTICE OF HEARING**  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case #95-377-SPHA (Item 368)  
2301 York Road  
79' from c/l York Road on E/S York Road, 733.44' NW of Roundridge Road  
Parkway Machine  
8th Election District - 3rd Councilmanic  
Legal Owner: Parkway Machine Corporation  
HEARING: THURSDAY, JUNE 1, 1995 at 2:00 p.m. in Room 118, Old Courthouse.  
Special Hearing to approve an amendment to previously approved plans in cases nos. 3903 and 92-312-SPH. Variance to permit floor area ratio of 37% in lieu of 25% for single story building.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.  
(2) For information concerning the file and/or hearing, please call 887-3391.  
5/6/95

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 5/5, 1995  
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/4, 1995.

THE JEFFERSONIAN,  
A. Henderson  
LEGAL AD. - TOWSON  
Publisher



Date: 4/20/95

1 NON RES VAR 020 250.00  
1 NON RES SPH 040 250.00  
2 SIGNS 70.00  
\$570.00

receipt  
95-377-SPHA  
Account: R-001-6190  
Number 368

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

**For newspaper advertising:**

Item No.: 368

Petitioner: Parkway Machine Corp.

Location: 2301 York Rd.

**PLEASE FORWARD ADVERTISING BILL TO:**

NAME: Ronald Lee Contarino, Publisher

ADDRESS: 814 Eastern Blvd.

BALT, Md 21221

PHONE NUMBER: 686-8274

AJ:ggs

(Revised 04/09/93)

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

April 28, 1995

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case #95-377-SPHA (Item 368)  
2301 York Road  
79' from c/l York Road on E/S York Road, 733.44' NW of Roundridge Road  
Parkway Machine  
8th Election District - 3rd Councilmanic  
Legal Owner: Parkway Machine Corporation  
HEARING: THURSDAY, JUNE 1, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve an amendment to previously approved plans in cases nos. 3903 and 92-312-SPH. Variance to permit floor area ratio of 37% in lieu of 25% for single story building.

[Signature]  
Arnold Jablon  
Director

cc: Parkway Machine Corporation  
John S. Contarino, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

May 24, 1995

John B. Gontrum, Esquire  
814 Eastern Blvd.  
Baltimore, Maryland 21221

RE: Item No.: 368  
Case No.: 95-377-SPHA  
Petitioner: Parkway Machine Corp.

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 20, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problem on this case. Only those proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

[Signature]  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: May 9, 1995

SUBJECT: 2301 York Road

**INFORMATION:**

Item Number: 368

Petitioner: Parkway Machine Corporation

Property Size: \_\_\_\_\_

Zoning: MR

Requested Action: Special Hearing

Hearing Date: \_\_\_\_\_

**SUMMARY OF RECOMMENDATIONS:**

The applicant requests a special hearing to amend previously approved plans in Case Nos. 3903 and 92-312SPH.

Staff does not oppose the applicant's request provided that all previously imposed conditions are attached to any Order granting the subject request.

Prepared by: [Signature]

Division Chief: [Signature]

PK/JL

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 8, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for May 8, 1995  
Item No. 368

The Developers Engineering Section has reviewed the subject zoning item. The approved final landscape plan for the 1992 addition has not been complied with. The variance should be withheld until this is addressed.

FWB:sw

**BALTIMORE COUNTY, MARYLAND**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT**  
**INTER-OFFICE CORRESPONDENCE**

TO: ZADM

DATE: 5/16/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 5/1/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 362  
363  
368  
370  
371  
372  
373  
374  
375

LS:sp

LETTY2/DEPRM/TXTSBP

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on Recycled Paper

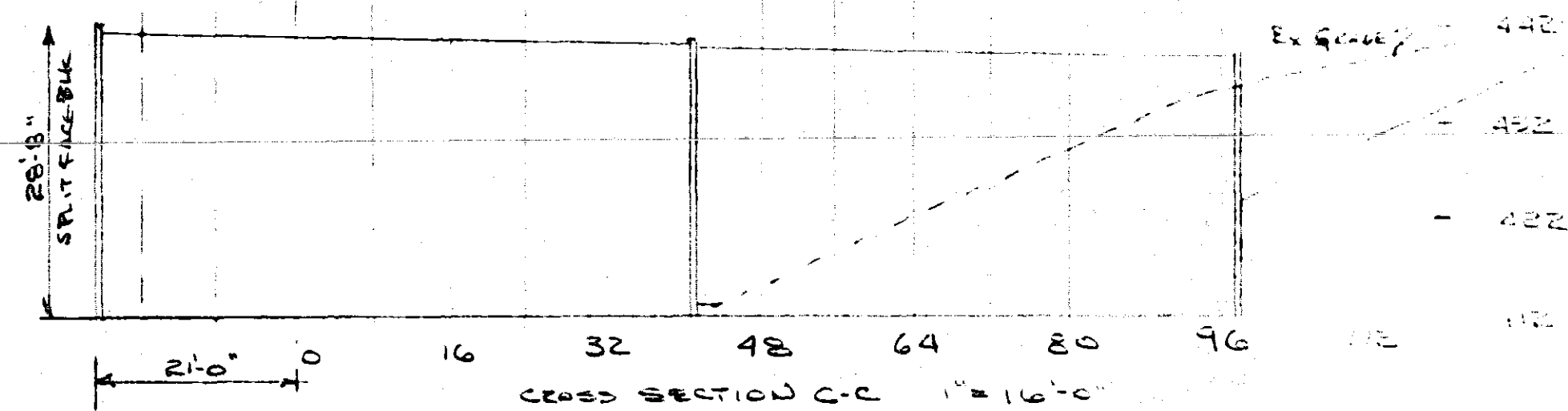
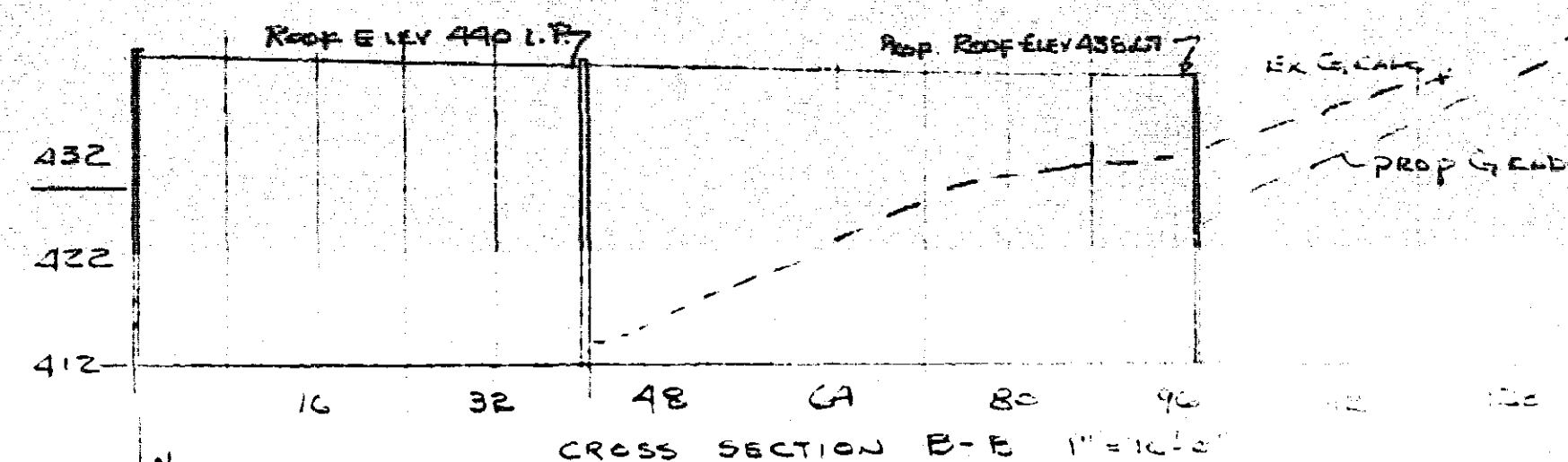
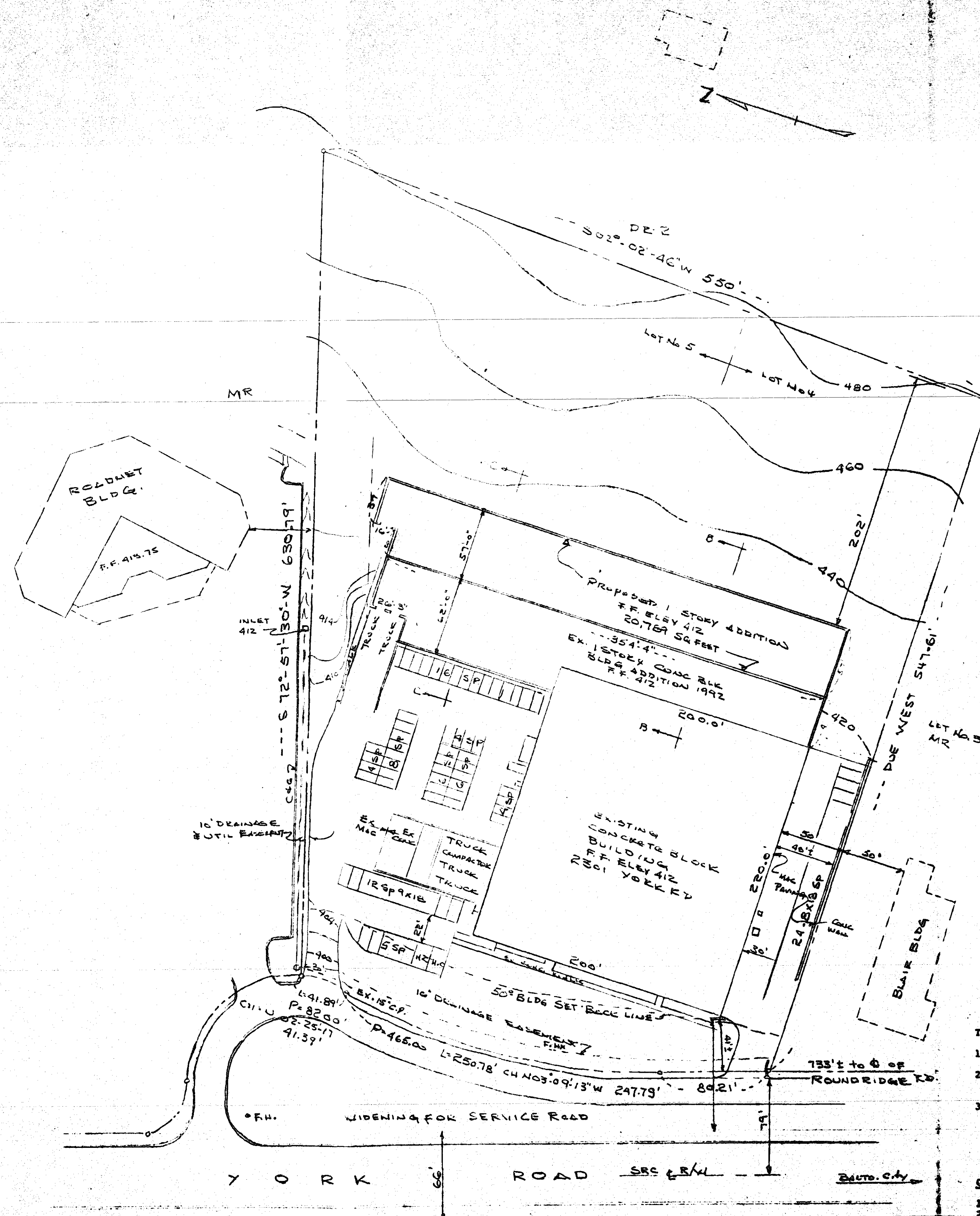
ITEM368/PZONE/ZAC1







95-377-5644



42-312-SPH

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of April, 1992 that the Petition for Special Hearing to approve an amendment to the previously approved petition and site plan filed in Case No. 3503, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day expelative process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) There shall be no doors or windows on the east side (rear) of the proposed addition. Further, there shall be no access to the building from the rear of the proposed addition.
- 3) The heating and air conditioning units shall be installed on the roof of the proposed addition in such a manner so that the exhaust fan is directed towards York Road and away from the adjoining residential properties to the east of this property. If it is not possible to situate these units in this fashion, then the Petitioner shall provide some type of screening on the roof of the proposed addition to help mitigate any noise which may be caused by the units.
- 4) Any and all exterior lights used to illuminate this site shall be directed away from and not reflect onto any adjoining residential properties.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*[Signature]*  
THOMAS L. HERRICK  
Deputy Zoning Commissioner  
for Baltimore County

THM:lys

ZONING CASE NO. 1963

ORDER OF THE ZONING COMMISSIONERS  
OF BALTIMORE COUNTY  
-----

It is this 14th day of September, 1963, by the Zoning Commissioners of Baltimore County, ORDERED that the Development Plan filed herein and entitled "Approved Development Plan for Fawn Plastics Co., Inc.," be and the same is hereby approved subject to the following conditions:

1. That Fawn Plastics Co., Inc., will build and maintain that portion of the proposed service road fronting on its property and as shown on said Development Plan when directed to do so by the Department of Public Works of Baltimore County.
2. That screening and planting will be carried out in accordance with said Development Plan.
3. That buildings and grounds shall be continually maintained so that they will not adversely affect vicinal properties.

OFFICE OF PLANNING,  
Zoning Commission of  
Baltimore County

LAST IMPROVEMENTS: 8/3/92  
Permit = 8135633  
Control = C-1059-92

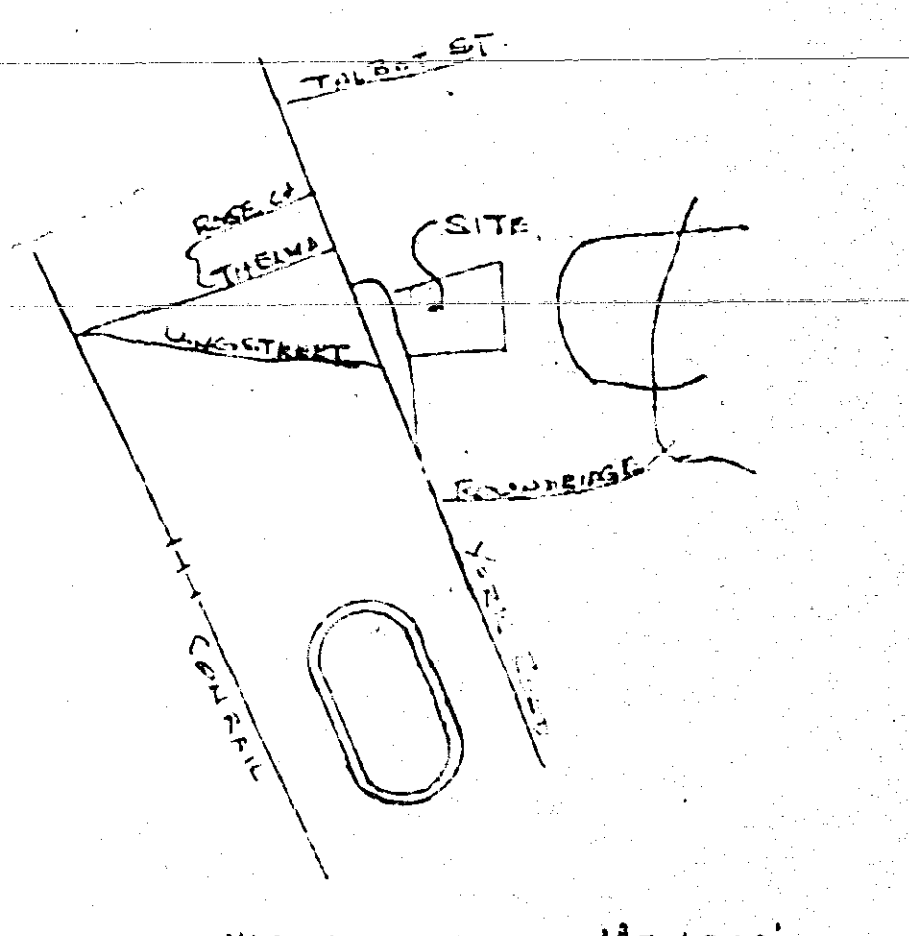
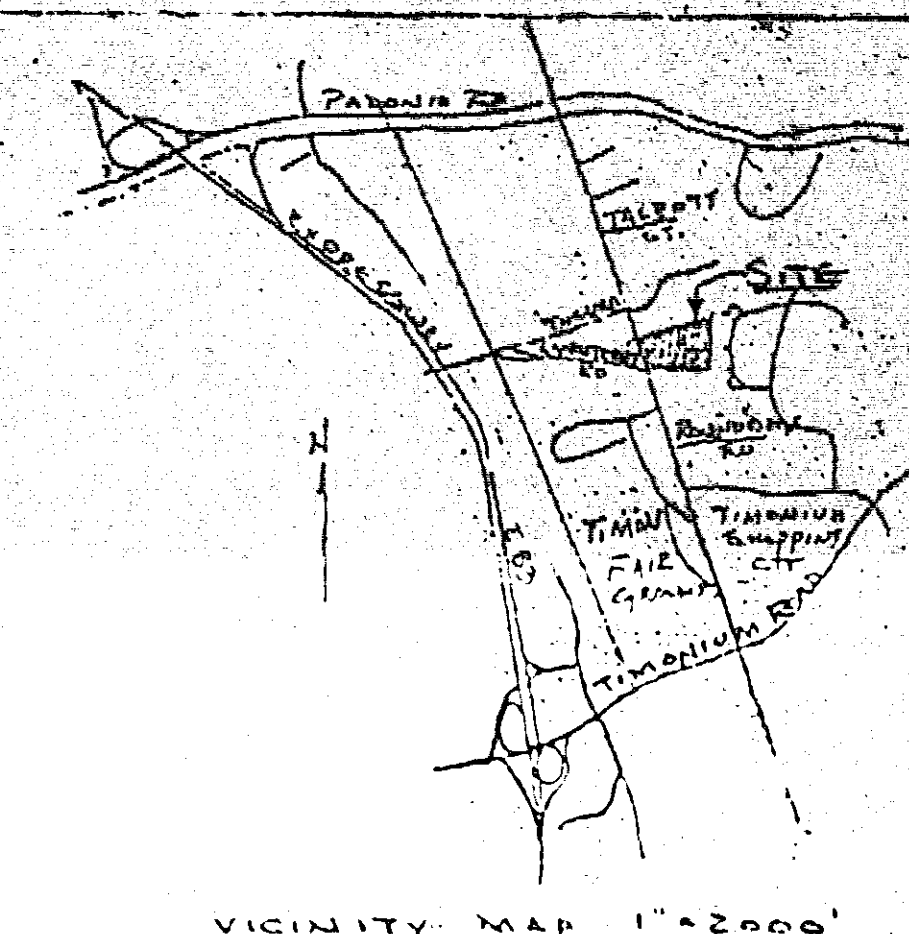
2/14/94  
Permit = 8188519  
Control = C

**TRAFFIC INFORMATION**

1. YORK ROAD & PADONIA RD. - Level of Service = D
2. AVERAGE DAILY TRIPS GENERATED BY MANUFACTURING ZONING:  
6.442 Acres x 100 = 644.2 A.D.T.
3. The trip distribution North and South on York Road  
will be approximately equal, i.e. 50% or  
322 Average Daily Trips each way.

GENERAL NOTES:

3. ALL PAVING IS EXISTING.
4. THE SITE IS LOCATED WITHIN THE DAM RUN DRAINAGE AREA.
5. HOURS OF OPERATION: 7:00 A.M. TO 6:00 P.M. - 5 DAYS/WEEK.
6. PROPOSED USE OF ADDITION - WAREHOUSE.
7. EXISTING USE OF EXISTING BUILDING - WAREHOUSE, ASSEMBLY & OFFICE.
8. NUMBER OF EMPLOYEES - 41 (anticipated).
9. ALL UTILITIES ARE EXISTING - NO NEW SANITARY FACILITIES ARE NEEDED.
10. EXISTING BUILDING IS SPRINKLERED; PROP. ADD. IS TO BE SPRINKLERED.
11. THERE ARE NO KNOWN ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS OR OTHER SPECIAL AREAS ON THIS SITE.
12. LIGHTING OF EXISTING PARKING LOT TO BE BY WALL PACKS MOUNTED ON THE WALLS OF THE NEW ADDITION AND EXISTING BUILDING.
13. PARKING SPACES WILL BE STRIPPED.
14. SIGNS ARE TO COMPLY WITH SECTION 413 AND ALL ZONING POLICIES.

OFF STREET PARKING DATA

OFFICE: 7900 Sq. Ft. x 3.3 sp./1000 = 26 Spaces  
Warehouse, shipping, rec. - 15 Employ. 15  
TOTAL SPACES REQUIRED 41 Spaces

SPACES PROVIDED:	
Standard (8½' or 9'x18')	74
Small car (7½'x16')	16
Handicapped	<u>2</u>
TOTAL SPACES PROVIDED	93 spaces
<del>Proposed addition will not include</del>	
<del>Number of Employees</del>	


### FLOOR AREA RATIO CALCULATIONS

Existing Building Area	=	61,256	Sq.Ft.
Proposed Addition	=	20,789	
Total proposed area	=	82,045	Sq.Ft.

LOT AREA = 6.17 Acres x 43,560 = 268,765.2 SqFt  
25% Coverage = .25 x 268,765.2 = 67,191.3 SqFt  
FAR Allowed = .4 x 268,765.2 = 107,506.8 SqFt

PROPOSED LOT COVERAGE:  
82,045 ÷ 268,765.2 = 31%

LOT NOS. 4 & 5  
 Plat Book GLB No. 24, Folio 36  
 "STRATFORD INDUSTRIAL SITE"  
 LOT SIZE - 6.170 ACRES ±  
 ZONING - MR  
 DISTRICT 8, PREC. 5  
 TAX ACCOUNT NO. 0806000350  
 2301 YORK ROAD  
 COUNCILMANIC DISTRICT - 3

3	4-1-98	SPECIAL HEARING REC. 57 Mo	
2	11-14-94	PROPOSED S7 ADDITION	
1	3-7-94	PETITION REVIEW COMMENT	
NO.	DATE	REVISION	BY
SPECIAL PRIOR CASE # 3903 amended 4-9-92			Page 2
SITE PLAN FOR SPECIAL HEARING WITH VARIANCE TO ALLOW LOT COVERAGE OF 31% LIEU OF 25% permitted			Sheet 11-7-92 7:30 REVISION BY DATE APPROVED BY
PROPOSED ADDITION FOR PARKWAY MACHINE CORPORATION 2301 YORR ROAD - Walto. County, Md.			
 <h1>TAPPER</h1>			P
<small>SHED 1200</small> <b>CONSTRUCTION COMPANY, INC.</b>			
COMMERCIAL • DESIGN-BUILD • EXHIBIT B-BAL 8000 GLENN BLVD. BETHESDA, MARYLAND 20814 • (301) 460-2000 • FAX (301) 460-1075			

**PETITIONER'S**  
**EXHIBIT** 1 362